

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

SAMARK LOPEZ BELLO,

Defendant.

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ORDER

19 Cr. 144 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:

On September 16, 2022, Samark Lopez Bello (“Defendant”) filed a motion to dismiss the Indictment. ECF No. 253. In his briefing, Defendant argued (i) that he does not fall within the class of persons chargeable under the Kingpin Act, (ii) that the presumption against extraterritoriality precludes his charges under both the Kingpin Act and 18 U.S.C. § 371, and (iii) that the Government has not properly alleged a Klein conspiracy under 18 U.S.C. § 371. (ECF No. 255, at 4-20). The Government declined to address the merits of these arguments in its opposition brief, instead asking me to exercise my discretion under the fugitive disentitlement doctrine to decline to entertain Defendant’s challenges to the Indictment.

Without reaching any decision regarding fugitive disentitlement, I request that both parties fully brief the merits of Defendant’s motion. The Government shall file a supplemental opposition brief addressing the merits of Defendant’s motion to dismiss the Indictment no later than January 13, 2023. The Government shall file its Reply no later than February 3, 2023.

The oral argument previously scheduled on January 4, 2023 is adjourned to March 28, 2023 at 10:00 a.m.

SO ORDERED.

Dated: December 14, 2022
New York, New York

/s/ Alvin Hellerstein
ALVIN K. HELLERSTEIN
United States District Judge